
EEO PROCESS

A NNSA employee or applicant for Federal employment may institute an EEO complaint if that employee or applicant believes that he/she has been discriminated against based on one or more of these factors.

AGE
DISABILITY (PHYSICAL OR MENTAL)
NATIONAL ORIGIN
RACE
RELIGION
REPRISAL
SEX (INCLUDING SEXUAL HARASSMENT)
SEXUAL ORIENTATION*

STEP ONE INFORMAL COMPLAINT

If you believe that you have been the victim of discrimination in your work or through the employment process, you must contact an EEO counselor within **45 calendar days** of the occurrence of the alleged discrimination. At the initial counseling session, the complainant must elect either traditional EEO Counseling or Mediation. If the employee elects Mediation, the election must be in writing. If the employee elects Mediation, the EEO Counselor will complete the intake functions of counseling which is obtaining the information needed to determine the basis(es), claim(s), and timeliness. If the dispute is resolved during the Mediation, it will be in writing (settlement Agreement). The EEO Office will retain a copy of the Settlement Agreement and notify the EEO Counselor that an agreement has been reached.

If the EEO Complaint is not resolved within the 90 calendar day period authorized for Mediation, the EEO & Diversity Office will notify the EEO Counselor and the Counselor will issue the Notice of Right to File a Discrimination Complaint (Final Interview Letter) to the employee, and the EEO process will continue.

*Prohibited by DOE policy

STEP TWO FORMAL COMPLAINT

After completing the informal process, you may decide to file a formal complaint. You must file your complaint within **15 calendar days** of your receipt of the Notice of Final Interview. You may send your complaint to one of the individuals named in the Notice of Final Interview.

Your complaint must be specific, and limited only to those matters that you previously discussed with the EEO Counselor. You will receive written acknowledgment of receipt of your complaint. It will inform you of the date that your complaint was filed. This date will be used for calculating the processing times relevant to the formal process.

If your complaint is accepted for processing, an impartial investigation will be ordered. The Agency will insure that it is a thorough and fair investigation and is completed within **180 calendar days** from the date you filed your formal complaint.

During this period the Agency also will attempt to settle your complaint through mediation and will provide you with a copy of the investigative file.

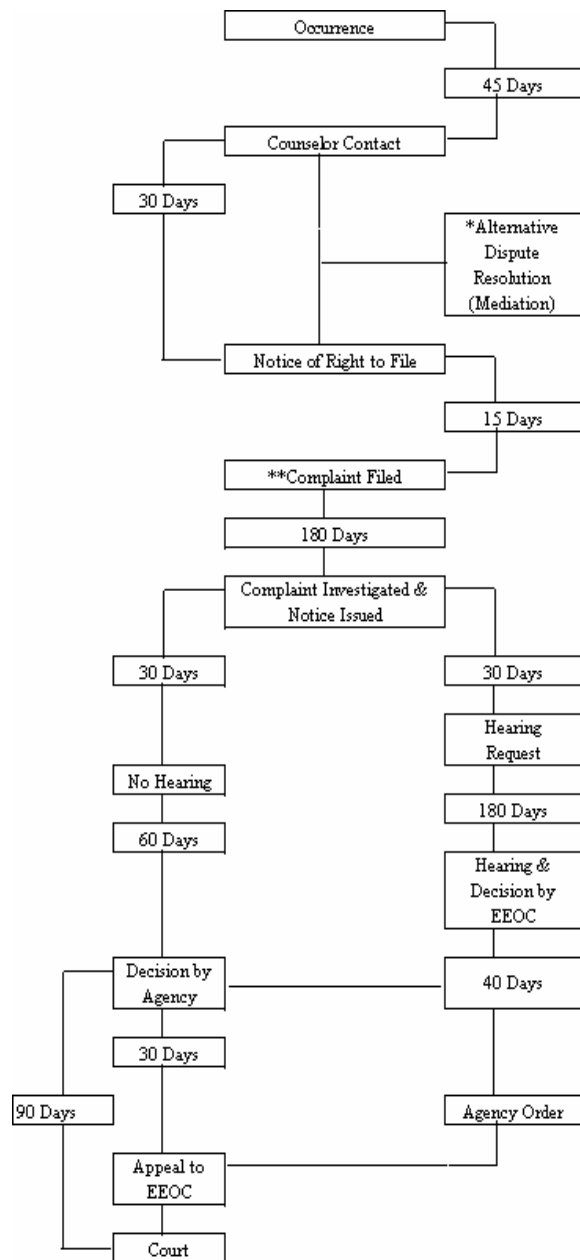
Within **30 calendar days** of your receipt of these materials, you may request either an EEOC hearing or an immediate final agency decision from the Agency. If you request a hearing, the EEOC's Administrative Judge will issue the final decision.

If you fail to respond or request an immediate final decision, the Agency will issue a decision based on its review of the investigative report and complaint file. The Agency will issue its decision within **60 calendar days** of your request.

If you request a hearing from the EEOC, an Administrative Judge will conduct a hearing and issue a decision on your complaint. The Judge must complete this process within **180 calendar days** from receipt of the agency's file.

The Agency, within **40 calendar days** of its receipt of the Administrative Judge's decision, must issue its final order. The order must state whether or not the Agency will fully implement the decision. If the order states that the Agency will not, the Agency must file and appeal with EEOC at the same time it issues its final order. If the Agency does not take any action, the Judge's findings and any ordered relief become the final decision.

If you requested the Agency to issue a final decision without a hearing, you may appeal the Agency's decision to the EEOC within **30 calendar days** of receipt. You may file a civil action in U. S. District Court within **90 calendar days** of your receipt of the final decision.



*ADR (Mediation) is available at all stages of the complaint process.

** Complaint may be dismissed on procedural grounds; e.g., fails to state a claim, fails to comply with applicable time limits, mootness, etc. (see 29 CFR Section 1614.107)

EEO POLICY

The NNSA does not discriminate on the basis of age, disability (physical or mental), national origin, race, religion, reprisal, sex (including sexual harassment), sexual orientation, or any other non-merit factor. We are committed to equal employment opportunity principles and practices in all of our management decisions and personnel practices.

The NNSA is committed to providing equal employment opportunity; eliminating discrimination in employment; and maintaining an environment that is free from any form of prohibited discrimination. The NNSA will provide a prompt, fair and impartial review, and adjudication of any allegation of discrimination.

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For additional information, contact:

**NNSA Service Center
EEO & Diversity Office
P.O. Box 5400
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(505) 845-5517
(505) 845-4963 (fax)**

***National Nuclear
Security Administration
Service Center***

EEO & Diversity Office

EEO COMPLAINT PROCESS

